



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,033	06/19/2007	Volker Jagodzinski	11150/97	2898
26646	7590	03/23/2010	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			YOUNG, EDWIN	
			ART UNIT	PAPER NUMBER
			3655	
			MAIL DATE	DELIVERY MODE
			03/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,033	Applicant(s) JAGODZINSKI, VOLKER	
	Examiner EDWIN A. YOUNG	Art Unit 3655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,11,15,17,18 and 21 is/are rejected.
- 7) ☒ Claim(s) 12-14,16,19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/9/2006 and 2/12/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the preliminary amendment filed 8/9/2006. Claims 1-9 have been cancelled. New claims 10-21 have been entered. Claims 10-21 are currently pending in this application.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/EP05/00792, filed on 1/24/2005.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 8/9/2006 and 2/12/2010 have been considered by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electric parking brake of claims 10, 12, 14, 15, 17 and 19-21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to because Figs. 1 and 2 do not comply with 37 CFR 1.84(l). The character of lines, numbers and letters of Figs. 1 and 2 is not sufficient; see for example 'M' in Fig. 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

Art Unit: 3655

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

Page 10, line 5, “signal 1 from” should be changed to - -signal I from- - to correlate to the label shown in Fig. 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 11, 15, 17, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by EHRMAIER et al. (US 2002/0023809 A1).

Regarding claim 10, EHRMAIER et al. discloses a method for activating an electric parking brake of a motor vehicle (see Fig. 1) comprising detecting an initiation of a shut-down operation for turning off a drive motor of the motor vehicle; activating the electric parking brake after initiation of the shut-down operation, and after the activating step, turning off the drive motor (see claim 6). Note claim 6 of EHRMAIER et al. states the parking brake is "activated" when the internal combustion engine is "being" shut-off.

Regarding claim 11, EHRMAIER et al. discloses the motor vehicle is arranged as a road motor vehicle. Note EHRMAIER et al. uses the phrase "driving", i.e. paragraph [0010], line 2, throughout the specification. From the use of the phrase "driving", it is inherent that the motor vehicle of EHRMAIER et al. is arranged as a road motor vehicle.

Regarding claim 15, EHRMAIER et al. discloses determining whether the vehicle is stopped (see paragraph [0010], lines 8-17); wherein the electric parking brake is activated in the activating step only when the motor vehicle is stopped (see claim 6).

Regarding claim 17, EHRMAIER et al. discloses a device for activating an electric parking brake of a motor vehicle (see Fig. 1) comprising an activation device (part of (20)) adapted to generate an activation signal by which the electric parking brake is activatable; an engine control device (part of (20)) adapted to control a shut-down operation by which a drive motor of the motor vehicle is turned off; and a detection device (part of (20)) adapted to detect an initiation of the shut-down operation to turn off the drive motor, the detection device connected to the activation device and

Art Unit: 3655

the engine control device; wherein the activation device and the engine control device are combined and adapted to, after initiation of the shut-down operation, first activate the electric parking brake by the activation signal while operation of the drive motor is maintained, and to turn off the drive motor only afterward (see claim 6). Note claim 6 of EHRMAIER et al. states the parking brake is "activated" when the internal combustion engine is "being" shut-off.

Regarding claim 18, EHRMAIER et al. discloses the motor vehicle is arranged as a road motor vehicle. Note EHRMAIER et al. uses the phrase "driving", i.e. paragraph [0010], line 2, throughout the specification. From the use of the phrase "driving", it is inherent that the motor vehicle of EHRMAIER et al. is arranged as a road motor vehicle.

Regarding claim 21, EHRMAIER et al. discloses a movement device (part of (20)) adapted to determine whether the motor vehicle is stopped (see paragraph [0010], lines 8-17), the movement device coupled to the engine control device to maintain the operation of the drive motor as a function of a standstill of the motor vehicle until activation of the electric parking brake (see claim 6).

Allowable Subject Matter

Claims 12-14, 16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWIN A. YOUNG whose telephone number is (571)272-4781. The examiner can normally be reached on M-TH 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edwin A Young/
Examiner, Art Unit 3655